

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC., §  
§  
*Plaintiff*, §  
§  
v. §  
§  
MICRON TECHNOLOGY, INC., § CIVIL ACTION NO. 2:22-CV-00203-JRG-RSP  
MICRON SEMICONDUCTOR §  
PRODUCTS, INC., AND MICRON §  
TECHNOLOGY TEXAS LLC, §  
§  
*Defendants.* §

**ORDER**

Before the Court is Plaintiff Netlist, Inc.'s Motion to Compel Production of Sales, Financials, and marketing Documents relating to Micron's Accused Products. **Dkt. No. 73.** After hearing oral arguments at the July 26, 2023 hearing, Micron is hereby **ORDERED** to produce the following information no later than August 9, 2023:

1. Micron shall produce a spread sheet showing sales records with respect to each of the Accused Products, including but not limited to the product number, product name, product type, any other tracked product identifier, date of each sale, volume, price, revenue, final customer, recipient, the country from which the product is shipped, the country to which the product is shipped, cost of goods sold, margin, and the location of the customer; and
2. For each customer that has purchased any of the Accused Products, the individual(s) at those customers with whom Micron has negotiated the sale, or had any other discussions regarding the sale and/or use of the Accused Products. Further, Micron shall produce documents regarding customer's approval or product qualification which occurred in the U.S. for

any of the accused products that Micron does not consider are subject to Netlist's infringement claim (without conceding the validity of the claim). If Micron concedes the products are already relevant to the claim and is reporting the sales for use in damages calculations, no additional production is necessary. Furthermore, if Micron after diligent effort, recognizes it will be unable to produce this information by the above 2-week deadline, Micron shall file a motion establishing good cause for additional time before the deadline.

The motion is otherwise **DENIED**.

**SIGNED this 26th day of July, 2023.**



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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE